

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

Steve Sviggum, Commissioner,  
Department of Labor and Industry,

**PROTECTIVE ORDER**

v.

People's Electric Co., Inc.

Based on the agreement of the parties during a telephone prehearing conference on November 30, 2009:

**IT IS HEREBY ORDERED THAT:**

1. The Minnesota Department of Labor and Industry (Department) shall provide to counsel for People's Electric Co. Inc. (Respondent) copies of recorded investigative interviews conducted by the Department of the Respondent's employees regarding the circumstances of the incident on October 25, 2007.

2. The disclosures made pursuant to this Order constitute confidential and protected information. These materials are to be accessed, handled, used or disclosed only in accordance with this Order.

3. Disclosure of materials referenced in paragraph 1 may be made to:

- a. The presiding Administrative Law Judge and the staff of the Office of Administrative Hearings;
- b. Counsel that have, as of this writing, filed a Notice of Appearance;
- c. Counsel's legal assistants, and their secretaries and clerical staff members;
- d. Court reporters retained by counsel or the OAH, and their secretarial and clerical staff members;
- e. Persons retained as outside expert witnesses; and,
- f. William T. Lindberg, Respondent's President, and William Kaufenberg, Respondent's employee.

4. Additionally, to the extent that protected information covered by this Order includes the statements of former or current employees of the Respondent, those statements may be discussed, accessed or reviewed by persons who are granted access under Paragraph 3 and the employee who is credited with making the statement.

5. Any person receiving protected information pursuant to this Order shall not use or disclose this information, except as needed to prepare for proceedings in, or settlement of, this docket.

6. Any person receiving protected information pursuant to this Order agrees, by accepting receipt of these materials, to be subject to the jurisdiction of the Office of Administrative Hearings in connection with the use or disclosure of that information, including any proceeding relating to the enforcement of this Order.

7. Persons covered by Paragraph 3 (e) or 3 (f) of this Order shall execute, and transmit to the Administrative Law Judge, a copy of Attachment A to this Order before obtaining access to protected information.

8. If a party seeks to use protected information that is subject to this Order, in a manner that is inconsistent with the terms of this Order, that party shall file with the Administrative Law Judge, and serve upon the other parties, a request for authorization of additional uses. The request for authorization must detail the reasons for the request.

9. Upon the conclusion of this litigation, counsel for Respondent will return all protected information accessed by the Respondent and its representatives to counsel for the Department.

10. Until December 1, 2010, Respondent shall inform the Department if it has terminated from employment any employee whose statement is disclosed pursuant to this Order.

11. This Protective Order does not waive the Department of Labor and Industry's ability to invoke or claim the benefit of Minn. Stat. § 182.659, subd. 8 (2008) in the future, and those claims are expressly reserved.

12. Nothing in this Order is intended to limit the availability of judicial review as provided by Minn. Stat. §§ 14.63 - 14.69.

Dated: December 1, 2009.

s/Kathleen D. Sheehy

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KATHLEEN D. SHEEHY  
Administrative Law Judge

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

Steve Sviggum, Commissioner,  
Department of Labor and Industry,

**ATTACHMENT A  
TO PROTECTIVE ORDER**

v.

People's Electric Co., Inc.

I, the undersigned, hereby acknowledge that I have read the Protective Order dated December 1, 2009, governing access to, and use of, protected information in this matter, and that I understand the terms of that Order, and that I agree to be bound by the terms of that Order.

Specifically, I agree not to disclose to any person or entity that is not authorized to receive materials designated protected information under the terms of that Protective Order, or any copies or extracts of information derived therefrom, which have been disclosed to me. I further agree to use any such materials that are disclosed to me solely for the purpose of this proceeding and for no other purpose.

I hereby submit myself to the jurisdiction of the Office of Administrative Hearings for the purpose of enforcing the terms of this Agreement and the July 13, 2009 Protective Order.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name of Employer